

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MARK SOKOLOW, et al.,

Plaintiffs,

Civ. No. 04-397 (GBD) (RLE)

v.

THE PALESTINE LIBERATION ORGANIZATION, et al.,

Defendants.

**NOTICE OF NEW DEVELOPMENT REGARDING PLAINTIFFS’  
PENDING *EX PARTE* MOTIONS TO THE MAGISTRATE JUDGE  
TO ISSUE LETTERS OF REQUEST FOR JUDICIAL ASSISTANCE**

Currently pending are plaintiffs’ *ex parte* motions to the Magistrate Judge to issue Hague Convention requests for the depositions of eight persons convicted and serving prison sentences in Israel for their roles in the terrorist attacks from which this action arises. DE 221-226.<sup>1</sup>

Yesterday (April 30, 2012) defendants’ counsel provided plaintiffs’ counsel with information indicating that the defendants have sent copies of the proposed Hague Convention letters of request for the depositions seven of the eight witnesses at issue (Abdel Karim Aweis, Nasser Shawish, Abdel Rahman Makdad, Ahmed Salah, Ahmed Sa’ad, Halmi Hamash and Ali Abu Halail) to some or all of the incarcerated witnesses themselves and/or their counsel.

Defendants’ communications and/or coordination with these witnesses (most of whom were employed by the PA as security agents at the time of the terrorists attacks at issue) clearly shows that defendants’ efforts to prevent plaintiffs from taking these depositions stem not from a “concern” about the December 21, 2012 discovery deadline (which, as shown in plaintiffs’ papers, is no concern at all) but from defendants’ real fear of highly incriminating testimony.

---

<sup>1</sup> Those motions are fully briefed and plaintiffs respectfully request that they now be granted.

For this reason as well, the Court should disregard defendants' opposition to plaintiffs' motions (which defendants have no standing to make in any case) and grant them forthwith.

Plaintiffs, by their Attorney,

/s/ Robert J. Tolchin

Robert J. Tolchin

111 Livingston Street, Suite 1928

Brooklyn, New York 11201

(718) 855-3627

Fax: (718) 504-4943

[rjt.berkman@gmail.com](mailto:rjt.berkman@gmail.com)